



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT

Application Number: 2404993
Applicant Name : Julie LeDoux
Address of Proposal: 3843 Beach Drive Southwest

SUMMARY OF PROPOSED ACTION

Master Use Permit to subdivide one parcel into two (2) lots (unit lot subdivision). Proposed lot sizes are: A) 16,054 square feet and B) 9,504 square feet.

The following approvals are required:

Short Subdivision - to subdivide one existing parcel into two lots, a unit subdivision. (Chapter 23.24.046, Seattle Municipal Code)

SEPA Environmental Determination
(Chapter 25.05.660, Seattle Municipal Code)

SEPA DETERMINATION: ☐ Exempt ☒ DNS ☐ MDNS ☐ EIS
☐ DNS with conditions
☐ DNS involving non-exempt grading, or demolition, or
involving another agency with jurisdiction.

BACKGROUND

Site and Vicinity Description

The approximately 25,558 square foot property is located on the west side of Beach Drive SW and extends into the tide lands of Puget Sound.

The site contains two structures: a duplex structure on proposed Unit Lot A (the northern half of the subject lot) and a single-family residence containing an accessory dwelling unit on proposed Unit Lot B. Pedestrian and vehicle access to the site is from Beach Drive SW. Off-street parking is provided on both proposed lots. Open space for each dwelling unit is provided on each proposed lot.

The subject lot is zoned Lowrise 3 (L3) with combined Shoreline Designations of Urban Residential (UR) and Conservancy Recreation (CR).

Proposal

The proposal is to subdivide one lot into two (2) unit lots. The parent lot is 25,558 square feet in area, the majority of which is Puget Sound tidelands. The proposed lot sizes are: A) 16,054 square feet and B) 9,504 square feet. Vehicle and pedestrian access for both proposed unit lots will continue to be from Beach Drive SW. Both existing structures will remain.

Public Comments

No comment letters were received during or after the proposal comment period which ended on September 22, 2004.

ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC 23.24.040, no short plat shall be approved unless all of the following facts and conditions are found to exist:

1. *Conformance to the applicable Land Use Code provisions;*
2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*
3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*
4. *Whether the public use and interests are served by permitting the proposed division of land;*
5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*
6. *Is designed to maximize the retention of existing tree;*
7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the*

construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.

Based on information provided by the applicant, referral comments from the Building Plans Examiner, the Drainage Section, the Fire Department, Seattle Public Utilities, City Light; and review by the Land Use Planner, the following findings are made with respect to the above-cited criteria:

1. *Conformance to the applicable Land Use Code provisions;*

The subject property is zoned Multi-Family Lowrise 3 (L-3). New development must conform to the requirements of the applicable provisions of the Seattle Municipal Code (SMC) for the L-3 zone at the time the building permit application is vested. These provisions include, but are not limited to, setback, lot coverage, building height, usable open space, landscaping, and parking requirements.

The existing residential buildings were constructed approximately in 1952, prior to the current Land Use Code, therefore may not conform to some provisions of the current Code. Master Use Permit application 2206652 and Permit 732794, *established for the record* the conformity of the use and structures to the applicable Land Use Code provisions at the time of building construction, therefore this proposal meets this criterion.

2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*

Vehicle access for all units is provided from Beach Drive SW.

All utilities are available in this area. Seattle City Light provides electrical service to the existing buildings and proposed short plat. No easement for this utility is needed.

The Seattle Fire Department has reviewed and approved the proposed unit lot subdivision for the provision of adequate emergency vehicle and personnel access.

3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*

Review for drainage and sanitary sewage disposal indicates these services are adequately provided for this unit lot subdivision.

Seattle Public Utilities has reviewed this proposal and assures water availability and access for all parcels.

4. *Whether the public use and interests are served by permitting the proposed division of land;*

Unit Lot Subdivision allows for the subdivision of common wall (attached) ground related townhouse structures, residential cluster developments, and single-family structures, amongst other housing types. This process therefore makes possible separate ownership of individual

units that otherwise would be owned by one party and consequently some or all unit lots would be available on a shared ownership or rental basis only.

The proposed unit lot subdivision will not change the physical arrangement of the existing residential structures, only allow for the separate sale and/or ownership of each.

The public use and interests are thereby served by permitting the proposed division of land.

5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*

This site contains an *environmentally critical area* as defined in SMC 25.09.020.B.5.b, which states that “all bodies of water that provide migration corridors and habitat for fish” are classified as such. Almost three-quarters of the parent lot is water-ward of the ordinary high water mark and therefore below the surface of Puget Sound. However, all existing development on site is land-ward of the ordinary high water mark and no development changes are proposed, therefore this *unit lot subdivision* conforms to the applicable provisions of SMC 25.09.240.

6. *Is designed to maximize the retention of existing trees;*

This unit lot subdivision does not require or propose the removal of any existing trees and therefore meets this criterion.

7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

The existing duplex structure and single-family structure were legally established *For the Record* by MUP 2206652 and Permit 732794. Pursuant to SMC 23.24.045(A and B), sites developed or proposed to be developed with townhouses, cottage housing, clustered housing, or single-family housing may be subdivided into individual nonconforming unit parcels if development as a whole on the parent lot meets applicable Land Use Code development standards at the time of approval. To assure that future owners have constructive notice that additional development may be limited due to nonconformities the following statement shall be required to be included as a note on the final short subdivision: *The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this subdivision may be limited because of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code.*

Summary

The proposed Unit Lot Subdivision meets the criteria of SMC 23.24.040 and 045, Short Plats and Unit Lot Subdivisions. Pursuant to the above discussion and the following conditions, it is thereby

Approved

DECISION - SHORT SUBDIVISION

The proposed Short Subdivision is **CONDITIONALLY GRANTED** as indicated at the end of this document.

ANALYSIS - SEPA

The initial disclosure of the potential impacts of this project was made in the environmental checklist submitted by the applicant dated August 20, 2004 and annotated by the Department. The information in the checklist, supporting documents, project plans, and the experience of the lead agency with review of similar projects forms the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans and other policies explicitly referenced may serve as the basis for exercising SEPA authority.

The Overview Policy states in part: *"where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation"* (subject to some limitations). Under certain limitations or circumstances (SMC 25.05.665 D 1-7), mitigation can be considered. In this case, the Environmentally Critical Areas Ordinance, SMC 25.09.240, addresses subdivisions, including unit lot subdivisions in *environmentally critical areas*.

SMC 25.05.800, *Exemptions*, provides for exemptions for "minor land use decisions", such as short plats and subdivisions, except upon land covered by water. The parent lot of this proposed unit lot subdivision is almost three-quarters beneath the surface of Puget Sound. However, all developed areas, such as the two existing residential structures and appurtenances, are wholly on land. No development or land use changes are included with this proposal. The proposed unit lot subdivision conforms to the regulations for short subdivisions and subdivisions in *environmentally critical areas* (SMC 25.09.240). Based on the above findings, no environmental impacts from this proposal are anticipated and no mitigation is warranted.

DECISION - STATE ENVIRONMENTAL POLICY ACT

The proposed action is **APPROVED**.

CONDITIONS - SHORT SUBDIVISION

Conditions of Approval Prior to Recording

The owner(s) and/or responsible party(s) shall:

1. Submit the corrected final recording forms for approval and any necessary fees.
2. Insert the following on the face of the plat: "The unit lots shown on this site are not separate buildable lots. Additional development on any individual unit lot in this subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code, Chapter 23 of the Seattle Municipal Code."

SEPA CONDITIONS

None.

Signature: _____ (signature on file) Date: November 18, 2004
Art Pederson, Land Use Planner

AP:bg

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